

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jacob Allen Osawabine

Case No.

1:21-mj-30163

Judge: Morris, Patricia T.

Filed: 04-07-2021 At 10:27 AM

CMP USA v. Jacob Allen Osawabine (krc)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/7/21 in the county of Isabella in theEastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1151

18 U.S.C. § 1153

18 U.S.C. § 1111(a)

Defendant, an Indian, within Indian country, with malice aforethought did unlawfully kill James Osawabine by shooting him with a firearm.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Phil Mata, BIA

*Printed name and title*Sworn to before me and signed in my presence,
and/or by reliable electronic means.Date: 4/7/2021City and state: Bay City, Michigan*Judge's signature*

Patricia Morris, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
FOR JACOB ALLEN OSAWABINE**

I, Phil Mata, being duly sworn, depose and state:

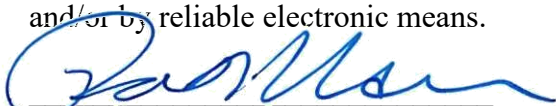
1. I am an officer with the Bureau of Indian Affairs and have been a law enforcement officer for over 21 years. During my career I have been involved in numerous investigations concerning assaults and murders. The following is based on a statement from witnesses and statements from other law enforcement officers and individuals.
2. The information included in this affidavit is provided for the limited purpose of establishing probable cause that Jacob Allen Osawabine committed the offense of Murder in the 2nd Degree on or about April 7, 2021, in violation of 18 U.S.C. §1111(a) and therefore it does not contain all of the facts known to me. Additionally, unless otherwise noted, wherever in this affidavit I assert that an individual made a statement, that statement is described in substance herein and is not intended to be a verbatim recitation of such statement.
3. On or about April 7, 2021, Jacob Allen Osawabine, an Indian, called the Saginaw Chippewa Tribal Police dispatch to tell them that he had shot his father, James Gordon Osawabine Sr., also an Indian, at 7183 Bellevue Drive, Mt. Pleasant, Michigan. Affiant knows this address to be on the Isabella Reservation in Indian country.
4. Upon arrival at 7183 Bellevue Drive, officers observed James Gordon Osawabine Sr. lying face up on the floor near the front door. He appeared to have suffered a gunshot wound to the head and was bleeding.
5. Officers provided medical aid to James while other officers performed a protective sweep of the residence to determine whether any other occupants were injured and to ensure officer safety.

6. During the protective sweep of the residence, officers observed a long gun in the kitchen and a handgun with boxes of ammunition located in an upstairs bedroom.
7. JACOB was taken into custody and transported to the Saginaw Chippewa Tribal Police Department. At the department he was provided State/Federal *Miranda* warnings and his tribal rights, all of which he waived and agreed to speak with investigators. JACOB indicated that he was home with his father when his father left to get cigarettes and a beer. Shortly after his father left, JACOB heard the front door open. Believing that someone was breaking in, JACOB grabbed his .38 revolver and fired a warning shot down the stairwell from the upstairs. He then went down the stairs and fired a second shot toward the door. After firing the second shot JACOB indicated that he realized he had shot his father. JACOB then contacted Tribal Dispatch to report the shooting.
8. James Gordon Osawabine Sr. was pronounced deceased by an emergency room physician at 0050 hrs. on April 7, 2021.
9. Based on the above-described information, there is probable cause to believe that on or about April 7, 2021, Jacob Allen Osawabine committed murder in the second degree, in violation of 18 U.S.C. § 1111(a).

 Phil Mata T036

Phil Mata
BIA

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. PATRICIA MORRIS
United States Magistrate Judge